UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,737	06/17/2002	Kueck Heinz	SCHO0103	3047

7590 11/21/2003

Glenn Patent Group
3475 Edison Way Suite L
Menlo Park, CA 94025

EXAMINER	
BELLAMY, TAMIKO D	

ART UNIT	PAPER NUMBER
2856	

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,737	HEINZ ET AL.	
	Examiner	Art Unit	
	Tamiko D. Bellamy	2856	AU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. (6,644,117). Although the conflicting claims are not identical, they are not patentably distinct from each other because the combination of claims of the patent contains the same subject as the claimed invention.

With respect to claim 1, the patent '117 recites in claims 1 and 3 a polymeric body including a mechanically active part and a frame, a metal layer a first polymer material, and a second polymer material.

With respect to claim 2, the patent '117 recites in claim 1 a mechanical active part that includes a spring beam.

With respect to claim 3, the patent '117 recites in claim 2 a metal layer that is additionally provided on a non-active part.

With respect to claim 4, the claim is rejected as being a dependent of claim 1.

With respect to claim 5, the patent '117 recites in claim 4 an anchoring means.

With respect to claim 6, the patent '117 recites in claim 5 a first group of electrodes on a movable mass and a second group of electrodes on a fixed frame.

With respect to claim 7, the patent '117 recites in claim 6 a metal layer provided with a connection region a connection plug and/or SMD/soldered connection, and contact areas.

With respect to claim 8, the patent '117 recites in claim 7 a metal layer has a sandwich structure.

With respect to claim 9, the patent '117 recites in claim 8 a housing base and a housing cover.

With respect to claim 10, the patent '117 recites in claim 9 a housing base and cover with snap connections.

With respect to claim 11, the patent '117 recites in claim 10 an alignment means.

With respect to claim 12, the patent '117 recites in claim 11 a sealing means.

With respect to claim 13, the patent '117 recites in claim 12 a polymeric body and housing base that are formed integrally with one another.

With respect to claim 14, the patent '117 recites in claim 13 an electric circuit connected to contact areas by bonding wires, etc.

With respect to claim 15, the patent '117 recites in claim 14 an electric circuit connected to contact areas by at least one spring contact.

With respect to claim 16, the patent '117 recites in claim 15 a polymeric body with a recess.

With respect to claim 17, the patent '117 recites in claim 16 and electromechanical component implemented as an accelerometer, etc.

With respect to claim 18, the patent '117 recites in claim 17 a polymer material selected from a group comprising Pd-doped LCP.

With respect to claim 19, the patent '117 recites in claim 18 a metal body inserted in the polymeric body to increase the mass.

With respect to claim 20, the patent '117 recites in claim 19 the mechanically active part is proved with recesses to define spacers.

With respect to claim 21, the patent '117 recites in claims 20 and 22 forming a polymeric body including a mechanically active part and a frame, forming a metal layer that covers mechanically active part, and injection moulding a first and second portion.

With respect to claim 22, the patent '117 recites in claim 21 a metal layer comprising a vapour-phase coating.

With respect to claim 23, the patent '117 recites in claim 23 reinforcing the metal layer by electroplating.

With respect to claim 24, the patent '117 recites in claim 24 fixing the mechanically active part, applying a potential to the fixed part, depositing metal on the movable part, and reinforcing the metal layer by electroplating.

With respect to claim 25, the patent '117 recites in claim 25 forming the polymeric body, injection moulding a polymer cover, and pressing the polymeric body.

With respect to claim 26, the patent '117 recites in claim 26 the polymeric body is not provided with snap connections.

With respect to claim 27, the patent '117 recites in claim 27 the housing base and the polymeric body are formed integrally with one another.

With respect to claim 28, the patent '117 recites in claim 28 injection embossing or hot embossing a polymer, and encompassing the embossed element with polymer.

With respect to claim 29, the patent '117 recites in claim 29 injection embossing or hot embossing an initial body, and encompassing the embossed element with polymer.

With respect to claim 30, the patent '117 recites in claim 30 equipping the electromechanical component, etc.

With respect to claim 31, the patent '117 recites in claim 31 cleaning and tempering the polymeric body, and sensitizing the surface of the polymeric body.

With respect to claim 32, the patent '117 recites in claim 32 mild etching the surface.

With respect to claim 33, the patent '117 recites in claim 33 providing a metal body, and encompassing the metal body, etc.

With respect to claim 34, the patent '117 recites in claim 34 an electrode structure.

With respect to claim 35, the patent '117 recites in claim 35 forming recesses on the mechanically active part or on the frame.

With respect to claim 36, the patent '117 recites in claim 18 the electrode structures having a wavelike shape.

Claim Objections

Claim 17 is objected to because of the following informalities:

a. Line 1, replace "1implemented" with --1, implemented--.

Appropriate correction is required.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (703) 305-4971. The examiner can normally be reached on Monday through Friday 10:00 AM to 7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Tamiko Bellamy

T.B.

November 13, 2003

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800